

sm



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/449,782	11/26/1999	JAMES MCKEETH	MICE-0089	6698

7590

01/24/2003

COE F MILES
TROP PRUNER HU & MILES P C
8554 KATY FREEWAY
SUITE 100
HOUSTON, TX 77024

EXAMINER

STEELMAN, MARY J

ART UNIT PAPER NUMBER

2122

DATE MAILED: 01/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

sm

Office Action Summary

Application No.

09/449,782

Applicant(s)

MCKEETH, JAMES

Examiner

Mary J. Steelman

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2122

DETAILED ACTION

1. This action is in response to the amendment to the specification and claim 5, filed 2 December 2002.

2. Claims 1-22 are pending.

Drawings

3. The corrected or substitute drawings were received on 2 December 2002. These drawings are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

4. In view of the amendment made to the specification, the objection to the specification made in the earlier Office action is hereby withdrawn.

Claim Rejections - 35 USC § 112

5. In view of the amendment made to claim 5, the objection made in the earlier Office action is hereby withdrawn.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 - 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 6,182,279 to Buxton.

Regarding claim 1, Buxton teaches:

Art Unit: 2122

Note: Buxton, col. 8, lines 51-53, supports command line processes as an alternative to a user interface.

-receiving an identifier. (Col. 12, lines 2-3: "User may enter a descriptive name of the template...")

-receiving output from a command line utility. (Col. 13, line 8:) "Template builder creates templates...")

-storing the command line utility output in a system storage at a location identified by the identifier. (Col. 13, lines 10 – 14: "Template storage DLL performs a number of ...storage/retrieval methods...")

Buxton disclosed a template builder utility (col. 2, lines 32-34) that allows user selected options to modify base components (OLE controls) and stores the modifications as templates.

Regarding claim 2, Buxton teaches:

-receiving an identifier that identifies one or more entries in a system registry database. (Fig. 2, item 205 and col. 13, lines 14-15, "...registry keys are created...")

Regarding claim 3, Buxton teaches:

-receiving a root key identifier. (Col. 11, line 2: "Most OLE object application information is stored in subkeys under the CSLID root key...")

Regarding claim 4, Buxton teaches:

-receiving a sub-key identifier. (Col. 11, line 2 and col. 14, line 31: To facilitate loading of template...a number of registration or subkey are included with template...")

Regarding claim 5, Buxton teaches:

Art Unit: 2122

-a WINDOWS operating system registry database. (Col. 4, line 49: "Operation of computer system is generally controlled...by operating system software, such as...Windows95...")

Regarding claim 6, Buxton teaches:

-receiving a system storage identifier. (Col. 12, lines 20-21, "...users identify...templates to be packaged...")

Regarding claim 7, Buxton teaches:

-receiving an identifier indicating a system registry. (Col. 10, line 66 – col. 11, line 4: A CLSID identifies the functionality of an object class that can display...access to property values...A subkey is used by an OLE to find out information about the control.")

Regarding claim 8, Buxton teaches:

-receiving an identifier indicating shared system memory. (Col. 8, lines 6-7: "OLE libraries (shared) comprise the set of system-level services in accordance with the OLE specification...")

Regarding claim 9, Buxton teaches:

-shared system memory identifies a system clipboard memory. (Col. 11, line 6: "An FORMATETC...is an OLE data structure which acts in a generalized clipboard format...")

Regarding claim 10, Buxton teaches:

-receiving output directly from the command line output utility. (Col. 2, lines 34 – 38 and col. 13, lines 23-24: "The template builder utility further enables the user to package templates in a template distribution package format which enables the templates to be distributed to other users...")

Regarding claim 11, Buxton teaches:

Art Unit: 2122

-receiving output from the command line output utility through a subsequent command line output routine. (Col. 14, line 61-65, "...the Create Distribution Pack option...")

Regarding claim 12, Buxton teaches:

-associating each line of command line utility output with a line identifier in the system storage.

(Col. 3, lines 1-9: Template storage with a means for indexing, including key information associated with the template. "...a memory having one or more locations, means for indexing one or more locations within the memory..." Also col. 13, lines 35-44, templates are stored with an enumerated decimal number: "Each template is stored in an ISTORE whose name is unique...and may have the form TEMPLEnnn, where nnn may be a decimal number.")

Regarding claim 13, Buxton teaches:

-setting each line identifier to a value corresponding to that line's position in the command line utility output. (Rejection of claim 12 is incorporated and further claim contains limitations as recited in claim 12. Therefore claim 13 is rejected under the same rational as claim 12.)

Regarding claim 14, Buxton teaches:

-setting a default value of the received identifier to equal the total number of command utility output lines stored in the system storage. (Rejection of claim 12 is incorporated and further claim contains limitations as recited in claim 12. Therefore claim 14 is rejected under the same rational as claim 12.)

Regarding claim 15, Buxton teaches:

Note: Buxton, col. 8, lines 51-53, supports command line processes as an alternative to a user interface.

-A program storage device (Col. 2, line 49- 52.)

Art Unit: 2122

Claim 15 contains limitations as recited in claim 1, therefore claim 15 is rejected under the same rationale as claim 1.

Regarding claim 16, Buxton teaches:

-instructions to store command line utility output in an operating system registry database. (Col. 13, lines 10 – 15: “Template storage DLL performs a number of formatting and storage/retrieval methods...Template storage DLL ensures all additional registry keys...are created...”)

Regarding claim 17, Buxton teaches:

-instructions to store command line utility output in an operating system maintained volatile memory. (Fig. 1, item 110 (volatile) and col. 23, line 36 – col. 24, line 10: “A software implementation of the above described embodiment may comprise a series of computer instructions either fixed on a tangible medium...or transmittable to a computer system...such instructions may be stored using any memory technology ...on system ROM or fixed disk...”)

Regarding claim 18, Buxton teaches:

-instructions to receive one or more lines of output from the command line utility. (Fig. 2.)
-instructions to store each of said one or more lines of output in the system storage. (Fig. 2, item 205, col. 14, lines 26-29: “The remainder of the operating system registry entries are generated by code in the template storage DLL and are stored in both registry and the template.”)

Regarding claim 19, Buxton teaches:

-instructions to associate a unique identifier with each of the one or more lines of output stored in the system storage. (Col. 13, lines 40-41, “...name is unique to the machine for that template.”)

Regarding claim 20, Buxton teaches:

Art Unit: 2122

-instructions to set a value associated with the received identifier in the system storage equal to the number of lines of output stored in the system storage. (Rejection of claim 18 is incorporated and further claim contains limitations as recited in claim 12. Therefore claim 20 is rejected under the same rational as claim 12.)

Regarding claim 21, Buxton teaches:

Note: Buxton, col. 8, lines 51-53, supports command line processes as an alternative to a user interface.

-a processor; a storage device coupled to the processor; the storage device having stored thereon a program having instructions to receive an identifier, receive output from a command line utility, and store the command line utility output in the system storage at a location identified by the identifier. (See fig. 1. Claim 21 contains limitations as recited in claim 1, therefore claim 21 is rejected under the same rational as claim 1.)

Regarding claim 22, Buxton teaches:

-program comprises a dynamic link library. (Fig. 2, item 205.)

Response to Arguments

8. Applicants arguments filed 2 December have been fully considered but they are not persuasive.

Applicant has argued, in substance, the following:

Buxton does not describe receiving output from a command line utility / storing the command line utility output in a system storage at a location identified by the identifier.

Buxton does address the point that a command line interpreter may be used to interact with a component system, in lieu of a user interface. (Col. 8, lines 51-53.) Buxton does show

Art Unit: 2122

receiving output / storing output at col. 13, lines 17-20. "Template storage DLL 205 performs a number of formatting and storage / retrieval methods which manage the storage and registration of templated components..." also see col. 13, lines 47-48, "Each template 420 is stored in an ISTORE whose name is unique (identifier) to the machine for that template."

Therefore, the rejection of claims 1-22 is proper and maintained herein.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5745669 to Hugard et al., (Utility, with command line input, monitors changes in configuration files, monitors CMOS for corruption on a WINDOWS system, and stores output.)

U.S. Pat. No. 6151701 to Humphreys et al., (Output files generate line numbers and associate output with source.)

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2122

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (703) 305-4564. The examiner can normally be reached Monday through Thursday, from 7:00 A.M. to 5:30 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 308-4789.

The fax phone numbers are (703) 746-7240 for regular communications and (703) 746-7239 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MS



01/22/2003


ANIL KHATRI
PRIMARY EXAMINER